IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 6042 of 2007(T)

PETITIONER:

S. GOVINDAN, AGED 61 YEARS,
S/O.SUBRAMANI, DEEPA NILAYAM,
T.C.34/1897, KOCHUTHOPPLU,
VALLAKKADAVU P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS:

1. AREA MANAGER, FOOD CORPORATION OF INDIA, VALIYATHURA, THIRUVANANTHAPURAM.

2. GENERAN MANAGER, FOOD CORPORATION OF INDIA, KESAVADASAPURAM, THIRUVANANTHAPURAM.

3. REGIONAL PROVIDENT FUND COMMISSIONER, BAVISHYA NIDHI BHAVAN, PATTOM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SMT.TN.GIRIJA SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C).No.6042 of 2007

==========

Dated this the 2nd day of April, 2007

J U D G M E N T

The petitioner is an employee who retired from the service of the Food Corporation of India (FCI), the Area Manager and the General Manager of which are respondents 1 and 2 herein. The complaint of the petitioner is the FCI has not paid contributions in respect of the petitioner under the Employees' Provident Funds and Miscellaneous Provisions Act. He, therefore, seeks the following relief:

> "i. issue a writ of mandamus or any other appropriate writ or order commanding the respondents to take necessary action to calculate the amount to be remitted to the EPF account of the petitioner mentioned in Exhibit P1 and credit the same in his EPF account No.KS.10763/1 and disburse it to the petitioner forthwith."

2. The learned Standing Counsel appearing for respondents 1 and 2 submits that it is the Secretary who is vested with the responsibility of payment of contributions under the Act and the petitioner has been directed to approach the

Secretary pursuant to Ext.P1.

3. I am not satisfied with the stand taken by respondents 1 and 2. They sound as if the Secretary is a totally different entity disassociated from respondents 1 and 2. At the same time, they do not dispute the fact that the Secretary is an employee of the FCI directly under the control of respondents 1 and 2. That being so, when an employee raises a complaint, it is the duty of respondents 1 and 2 to consider the same and see that the Secretary performs his duty under the Employees' Provident Funds and Miscellaneous Provisions Act. Accordingly, I direct the 2nd respondent to consider Ext.P1 in accordance with law and see that the contributions payable in respect of the petitioner, if not paid, shall be paid within one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE